IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.756 OF 2005
ALONGWITH
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CRIMINAL WRIT PETITION NO.758 OF 2005.
ALONGWITH
CRIMINAL WRIT PETITION NO.789 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO.790 OF 2005

India Infoline Securities Pvt.LTd. &
Ors. ..Petitioners.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.Rahul Chitnis with Mr.Munir Merchant for the Petitioners.
Smt. Latika Belinge for the Respondent No.2.
Mr. Piyush Shah for the Respondent No.3.
Mr.Y.S.Shinde, the APP, for the State.

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : 18th August, 2005.
P.C.:

1. Heard the learned advocate for the Petitioners and the learned advocate for the Respondent No.2, that is the original Complainant.

2. The Petitioners have prayed for quashing of the complaint in case no.366 of 2004, 367 of2004, 368 of 2004, 365 of 2004, 150 of 2004 which are pending before the Judicial Magistrate First Class, 3rd Court, Kalyan. The said complaints are under section 138 read with 141 of the Negotiable Instruments Act. In the said

complaints, process came to be issued against the Petitioners under section 138 read with 141 of the Negotiable Instruments Act. The learned advocate for the Petitioners has submitted that the learned Magistrate erred in issuing process against the Petitioners and the said process deserves to be recalled or quashed. He has further submitted that if the said process is recalled or quashed, the complaints and the proceedings relating thereto would come to an end.

3. However, for the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, I am of the opinion that the Applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the Petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the Petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the Petitioners states that the necessary revision would be preferred within a period

of four weeks from today. In view of this statement, the Trial Court shall not proceed with the trial for four weeks.The learned advocate for the Respondent no.2, that is original complainant fairly states that no objection would be raised in respect of delay in filing revision before the Sessions Court.

5. On the necessary revision being preferred by the Petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

(V.K.TAHILRAMANI,J.)